

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITON No.2899 of 2019

ORDER: (*per Hon'ble Sri Justice P.Naveen Rao*)

The petitioners claim to be the assignees of the Government Land in Sy.Nos. 569, 576 & 598 of Rajampet Village of Kamareddy District. As part of Kaleshwaram Lift Irrigation Project, the respondents have taken up digging of canal passing through the Rajampet Village. The petitioners allege that the said canal is also passing through the lands assigned to them in the above survey numbers, they were given notices, participated in the deliberations, have agreed to receive compensation, compensation amount was also determined, but compensation was not paid. On the enquiries, petitioners came to know that the Revenue Divisional Officer-5th respondent was disputing the claim of the petitioners as assignees of the subject lands and therefore, compensation was not paid. The writ petitioners pray that they are the assignees of the lands above mentioned and rejection of their entitlement to receive compensation on the ground that the 'supplementary sethwar not issued' would be contradicting their earlier reports in the survey conducted by the respondents, wherein they have declared the petitioners lands as 'Supplementary sethwar

issued' is illegal and seek consequential direction to settle the compensation amount due and payable to them.

2. In the counter affidavit deposed by the Revenue Divisional Officer-5th respondent, it is asserted that on verification of the revenue records and on field inspection, it was found that the petitioners were not in possession of the lands in issue, there was no cultivation going on in the subject lands and revenue records would reflect the land as Government land, and no assignment was made to the petitioners as claimed by them. It is admitted that though initially award was passed including the extent of lands claimed by the petitioners, but on inspection of the records, modified Award was passed confirming the acquisition proceedings only in respect of the private lands, excluding the land, treated as Government land. It is also asserted that amount of Rs.2,84,62,000/- was identified as compensation payable for the land to an extent of Acs.53.08 gts in Sy.Nos.569, 576 and 598 of Rajampet Village to 53 persons, but the said amount is withheld pending further verification.

However, in para 7, at page No.9 it is stated as under:

"In view of the objections filed in respect of the Government lands in Sy.No.569, 576, 598 to an extent of Ac.53.08 gts of 53 persons notified and the land compensation Rs.2,84,62,000/-, the detailed enquiry with reference to Record and Physical Possession is required to settle the matter and payment of land compensation to the eligible and entitled persons, the compensation to the eligible and entitled persons will be done in due course of time after detailed verification of

record and physical possession of the land and also settling the cases under various acts & rules issued from time to time. In this connection, it is submitted that the land compensation was paid to the Pattedars of Patta lands only in Modified Award and all the land compensation amount which has to be paid to the Government land is held up for stopping the misutilization of Government Funds.”

3. In paragraph 8, they have also asserted that the detailed enquiry is required and for this purpose, some more time is required. After enquiry, compensation would be paid to the genuine/eligible assignees, who are in physical possession of land, which is in alignment of Kaleshwaram Project Canal.

4. Having regard to these assertions of petitioners and respondents, the learned counsel for the petitioners as well as learned Special Government Pleader have agreed for disposal of the writ petition, with the following directions:

- a) The Revenue Divisional Officer, Kamareddy with the assistance of the Tahsildar, shall conduct physical inspection and survey of the subject lands to an extent of Acs.53.08 gts in Sy.Nos.569, 576 and 598, Rajampet Village of Kamareddy District, in the presence of the petitioners.
- b) The petitioners are directed to submit representations enclosing all the documents in respect of their claim, to the Revenue Divisional Officer, Kamareddy, on or before 15.03.2020.

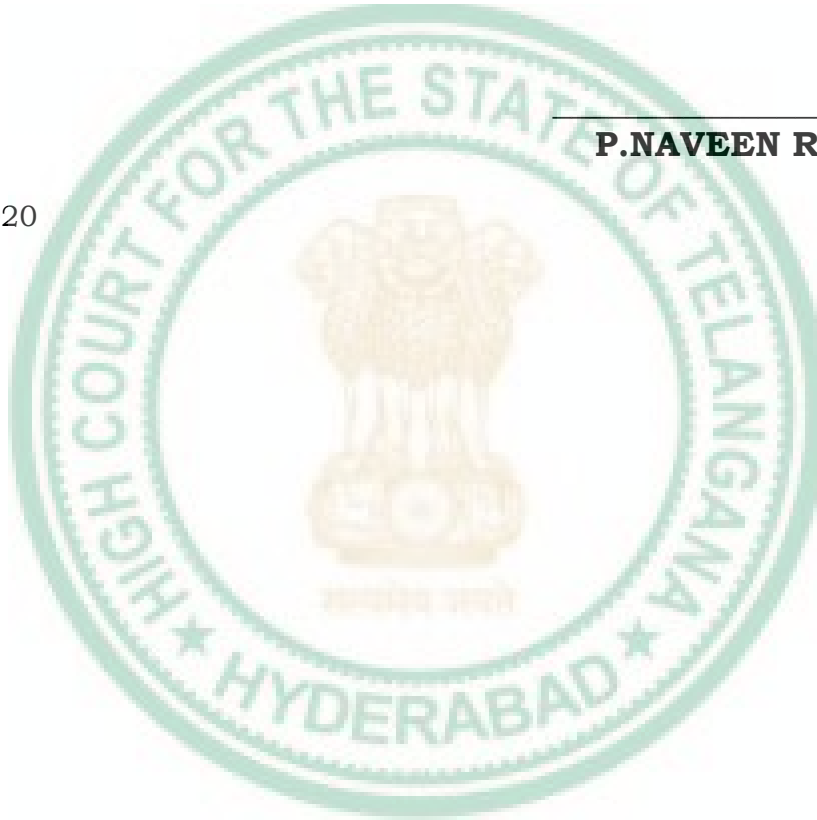
- c) The Revenue Divisional Officer, Kamareddy, shall conduct physical inspection of the subject lands on 18.03.2020 at 11.00 A.M and the petitioners shall be present at the said subject land by 11.00 A.M and in their presence only, survey shall be conducted and the entire proceedings shall be video recorded.
- d) The survey and physical verification shall be continued on the said date, even in the absence of any or all of the petitioners and the entire proceedings shall be video recorded.
- e) If any of the persons found to be not entitled to receive compensation, reasoned order to be passed and communicate the same to the petitioners concerned.
- f) After the survey, the Award be passed within a period of two weeks and compensation amount shall be paid to the persons, who are identified and entitled to receive compensation, within two weeks thereafter. If there are any rival claims, the amount shall be deposited with the authority and same shall be informed to the parties.

Learned Special Government Pleader, on instructions, informs this Court that till the aforesaid exercise is completed, no further steps will be undertaken regarding digging of the canal on the subject land.

A.RAJASHEKER REDDY, J

P.NAVEEN RAO, J

11-03-2020
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(per Hon'ble Sri Justice P.Naveen Rao)

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